

House Bill 1043

By: Representatives Powell of the 171st, Roberts of the 154th, Shaw of the 176th, McCall of the 30th, Jasperse of the 12th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 4 of the Official Code of Georgia Annotated, relating to
2 prevention and control of disease in livestock, so as to provide for regulation of importation
3 of white-tailed deer from other states into this state for breeding purposes; to define certain
4 terms; to provide for deer breeding permits; to provide for terms and conditions; to regulate
5 deer breeders and deer breeding facilities; to prohibit certain acts; to amend Chapter 5 of
6 Title 27 of the Official Code of Georgia Annotated, relating to wild animals, so as to change
7 certain provisions relating to importation restrictions relative to live cervids and prohibitions
8 on possession of cervid carcasses and to change certain provisions relating to wild animal
9 licenses and permits generally; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 3.**

12 Chapter 4 of Title 4 of the Official Code of Georgia Annotated, relating to prevention and
13 control of disease in livestock, is amended by adding a new article to read as follows:

14 "ARTICLE 6

15 4-4-200.

16 (a) As used in this article, the term:

17 (1) 'Breeder deer' means a white-tailed deer to be used to propagate offspring for the
18 purposes of hunting or urine or scent collection.

19 (2) 'Cervid' has the meaning provided by Code Section 27-5-2.1

20 (3) 'Chronic wasting disease' or 'CWD' has the meaning provided by Code Section
21 27-5-2.1.

22 (4) 'Deer breeder' means a person holding a valid deer breeding permit issued under this
23 article.

24 (5) 'Deer breeding facility' means a facility that is designed for the purposes of caring for
 25 breeder deer held in confinement for propagation or eventual sale and within which
 26 hunting is prohibited.

27 (6) 'Durable identification tag' means a single tag not easily dislodged or removed and
 28 made of a material that is not likely to disintegrate or decompose.

29 (7) 'High-fence enclosure' means the confinement of white-tailed deer through means of
 30 high fences as prescribed by rule or regulation of the department.

31 (8) 'Importation' or 'import' has the meaning provided by Code Section 27-5-2.1.

32 (9) 'Low-risk state' means any state:

33 (A) For which neither tuberculosis nor CWD has been diagnosed in any white-tailed
 34 deer population within that state; and

35 (B) That has a CWD surveillance and prevention program established by the USDA
 36 or the state veterinarian, chief animal health officer, or other equivalent officer of the
 37 state in which the originating herd is located.

38 (10) 'Official certificate of veterinary inspection' or 'OCVI' means a valid, legible
 39 certificate of veterinary inspection issued by a state or the USDA.

40 (11) 'Transfer' means any movement of breeder deer from a deer breeding facility, a
 41 nursing facility, or a deer management permit facility other than to an accredited
 42 veterinarian for medical purposes.

43 (12) 'USDA' means the United States Department of Agriculture.

44 4-4-201.

45 (a)(1) No person shall receive, collect, hold, possess, display, import, transport, transfer,
 46 release, ship, sell, or propagate breeder deer without a deer breeding permit issued by the
 47 department under the provisions of this article. A permit under this article shall not be
 48 required for an activity that may be lawfully conducted under another provision of this
 49 title or Title 27. A deer breeding permit under this Code section shall not be required if
 50 deer breeding activities are conducted solely for scientific research, educational display,
 51 zoological collection, or rehabilitation.

52 (2) The Commissioner shall issue a deer breeding permit to any applicant who meets the
 53 requirements of this article authorizing a deer breeder to engage in the business of raising
 54 breeder deer for propagation purposes in this state. Before such a permit is issued, the
 55 Commissioner shall make or cause to be made a thorough investigation and therefrom
 56 determine the qualifications, responsibility, and equipment of the applicant for entering
 57 upon the business of breeding, raising, and handling of such breeder deer. The
 58 department shall issue a serial number to a permittee when the department issues the

59 permittee a deer breeding permit. The same serial number shall be assigned to the
 60 permittee if the department issues the permittee a subsequent deer breeding permit.

61 (b) The fees for issuance of a deer breeding permit pursuant to this article shall be
 62 \$1,000.00 for the first 50 animals, \$2,000.00 for 51 to 100 animals, and \$3,000.00 for any
 63 number of animals in excess of 100, based on the number of animals on hand as of the
 64 immediately preceding April 1 of each year.

65 (c) The Commissioner may cancel or declare void any deer breeding permit when it is not
 66 being used in strict compliance with this article. Violations of Title 27 by employees of
 67 a deer breeding facility which are unrelated to such deer breeding facility shall not be
 68 reasonable grounds for revocation of the permit of the deer breeder.

69 4-4-202.

70 (a) Any person or entity holding a deer breeding permit may:

71 (1) Engage in the business of breeding breeder deer in Georgia; and

72 (2) Import breeder deer or the eggs, embryos, or semen of such breeder deer from a
 73 low-risk state for purposes of propagation in a deer breeding facility and future sale of
 74 such breeder deer and offspring to other high-fence enclosures or deer breeding facilities
 75 or, where permitted, outside of the state.

76 (b) This article shall not affect the use of high-fence enclosures as may be required by
 77 other law or regulation.

78 4-4-203.

79 A deer breeder, a deer breeder's authorized agent, or an assistant who is not a permittee
 80 under this article but who is acting under the direction of a deer breeder or a deer breeder's
 81 authorized agent may capture a breeder deer held in a permitted deer breeding facility for:

82 (1) Removal from an enclosure;

83 (2) Veterinary treatment;

84 (3) Tagging; or

85 (4) Euthanasia for the purpose of:

86 (A) Humane dispatch of the breeder deer;

87 (B) The conduct of a test for a reportable disease as required by law; or

88 (C) Any other purpose required or allowed by law.

89 4-4-204.

90 (a) Any person operating a deer breeding facility shall maintain a high-fence enclosure that
 91 is suitable for and capable of retaining the breeder deer it is designed to retain at all times

92 under reasonable and ordinary circumstances and to prevent entry by other deer. The deer
93 breeding facility and operations shall meet the requirements of Code Section 27-5-6.
94 (b) A person who holds a permit under this article or receives a breeder deer under this
95 article shall not be required to have the release site inspected or approved before releasing
96 breeder deer from a deer breeding facility. This Code section shall not preclude the
97 department from making a habitat inspection, nor shall it preclude agents of the department
98 or the Department of Natural Resources from entering the premises for testing of imported
99 breeder deer when a disease vector is suspected of endangering the deer herd in the area;
100 but this Code section shall preclude both departments from implementing inspection rules
101 or procedures that would unreasonably impede the broader deer breeding industry.

102 4-4-205.

103 (a) Any person holding a deer breeding permit shall keep records of all breeder deer sales
104 and transfers available for inspection by the state.

105 (b) Not later than March 31 of the year following the year in which the breeder deer is
106 born, or otherwise simultaneous with importation, a breeder deer shall be identified by
107 placing on such breeder deer a single, reasonably visible, durable identification tag bearing
108 an alphanumeric number of not more than four characters assigned by the department
109 unique to that deer breeder importing the breeder deer. A deer breeder shall not remove
110 the durable identification tag for any purpose, including sale, but may remove the durable
111 identification tag and replace the durable identification tag immediately to meet the
112 requirements of this Code section.

113 (c) No person shall remove or knowingly permit the removal of a breeder deer held in a
114 deer breeding facility by a permittee under this article unless such durable identification
115 tag has been placed on the breeder deer.

116 4-4-206.

117 (a) All transportation of breeder deer shall be done in accordance with the requirements
118 of paragraph (12) of Code Section 27-5-6.

119 (b)(1) All breeder deer, deer semen, or deer embryos imported into this state or
120 transferred within this state under this article shall be accompanied by an OCVI which
121 shall be attached to the waybill or be in the possession of the driver of the vehicle or
122 person otherwise in charge of the breeder deer, semen, or embryos. The OCVI shall
123 accompany the breeder deer, semen, or embryos to their destination in this state. The
124 permittee's permit number or applicable identifier in another state of the seller and the
125 purchaser shall appear on the waybill or be in possession of the driver of the vehicle or
126 person otherwise in charge of the breeder deer, semen, or embryos.

127 (2) All information required on the OCVI shall be fully completed by the issuing
 128 veterinarian and shall include the following:

129 (A) The name, physical address, and phone number of the consignor;

130 (B) The name, physical address, and phone number of the consignee;

131 (C) The point of origin;

132 (D) The point of destination;

133 (E) The date of examination;

134 (F) The number of animals examined;

135 (G) The individual permanent identification number or other identification for each
 136 animal;

137 (H) The sex, age, and breed of each identified animal;

138 (I) Test results and herd or state status on CWD and tuberculosis;

139 (J) A statement by the issuing veterinarian that the animals identified on the OCVI are
 140 free of signs of infectious, communicable, or neurologic disease; and

141 (K) The phone number of the issuing veterinarian.

142 The OCVI shall be void 30 days after issuance.

143 (3) Any person, firm, corporation, or association holding a deer breeding permit issued
 144 by this state who purchases breeder deer or eggs, embryos, or semen of the breeder deer
 145 shall report the same to the Commissioner not less than ten days before the sale or
 146 shipment of same.

147 4-4-207.

148 It shall be unlawful for any person to hunt or kill, attempt to hunt or kill, or offer the
 149 opportunity to hunt or kill any deer at a deer breeding facility for a fee or other valuable
 150 consideration or recreation. The promise or guarantee of, or contract for, killing an
 151 individual breeder deer at a deer breeding facility shall be prima facie evidence of a
 152 violation of this Code section."

153 **SECTION 2.**

154 Chapter 5 of Title 27 of the Official Code of Georgia Annotated, relating to wild animals, is
 155 amended by revising paragraph (1) of subsection (b) of Code Section 27-5-2.1, relating to
 156 importation restrictions relative to live cervids and prohibitions on possession of cervid
 157 carcasses, as follows:

158 "(b)(1) It shall be unlawful for any person, firm, partnership, or association to import,
 159 bring, or cause to be imported or brought into this state any live cervid, except as
 160 otherwise authorized by Article 6 of Chapter 4 of Title 4 or by rule or regulation of the

161 board in effect as of ~~January 1, 2007, or such later date as may be~~ the date provided by
 162 Code Section 27-1-39."

163 **SECTION 3.**

164 Said chapter is further amended by revising subsection (a) of Code Section 27-5-4, relating
 165 to wild animal licenses and permits generally, as follows:

166 "(a) Unless otherwise provided in Code Section 27-5-5 or Article 6 of Chapter 4 of Title
 167 4, it shall be unlawful for any person to import, transport, transfer, sell, purchase, or
 168 possess any wild animal listed in Code Section 27-5-5 or specified by the board by
 169 regulation without first obtaining a wild animal license from the department as provided
 170 in Code Section 27-2-23, ~~or a wild animal permit as provided in this Code section, or a deer~~
 171 breeding permit as provided in Article 6 of Chapter 4 of Title 4; provided, however, ~~that~~
 172 anyone holding a deer-farming license ~~is not~~ shall not be required to have a wild animal
 173 license or permit to possess farmed deer, and anyone holding a deer breeding permit shall
 174 not be required to have a wild animal license or permit to transport or possess any breeder
 175 deer. Unless otherwise specified by the department, such license or permit shall be
 176 effective from April 1 through March 31 and may contain such conditions and restrictions,
 177 including restrictions as to numbers and species of animals, as the department determines
 178 appropriate in light of the provisions of this chapter. An applicant for a wild animal license
 179 or permit shall have the burden of proving that any wild animals subject to such license or
 180 permit are or will be imported, transported, transferred, sold, purchased, or possessed in
 181 compliance with this chapter."

182 **SECTION 4.**

183 All laws and parts of laws in conflict with this Act are repealed.